

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

VS.

CASE NO. 3:98CR253-01 (SEC)

JACQUELINE DIAZ,

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS AND TO REQUEST THE
ISSUANCE OF A SUMMONS**

**TO THE HONORABLE SALVADOR E. CASELLAS
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, JOSE A. FIGUEROA, UNITED STATES PROBATION OFFICER

of this Honorable Court, presenting an official report upon the conduct and attitude of releasee, Jacqueline Diaz, who on November 5, 1999, was sentenced to serve a fifty-seven (57) month imprisonment term to be followed by a five (5) year supervised release term after pleading guilty to violating Title 18, United States Code, Sections 2 and Title 21, United States Code, Section 841A. She was also ordered to submit to urinalyses. On July 29, 2002, the offender's supervised release term imposed commenced.

On July 13, 2004, a Show Cause Hearing was held before Magistrate Judge Aida Delgado after the offender tested positive to cocaine on various occasions. The offender was ordered to enter an in-patient treatment program. On August 5, 2004, the offender was admitted at a residential drug treatment program. She was subsequently discharged on July 6, 2005 and her first out-patient treatment appointment was scheduled for July 8, 2005.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

(1) ADDITIONAL SUPERVISED RELEASE TERMS: “If any such samples detect substance abuse, the defendant shall, at the discretion of the US Probation Officer, participate in a substance abuse treatment program, arranged and approved by the US Probation Officer, until duly discharged by authorized program personnel with the approval of the US Probation Officer.”

The offender reported to the out-patient treatment only once and was subsequently discharged due to absenteeism, on 11-08-05.

(2) STANDARD CONDITION NO. 2:“ The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month”. On 09-15-05, the offender failed to report to the office and has also failed to submit monthly supervision reports since September 2005.

(3) She was also instructed to report for DNA collection on 08-25-05 and on 11-09-05. However, she failed to report to the office to the aforementioned dates, thus violating Title 42, U.S. Code, Sections 14135a (d)(1) and Title 10, U.S. Code, Section 1565(d).

(4) The offender has informed the undersigning officer that she is pregnant.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct. Unless the Court rules otherwise, this motion is respectfully submitted so that the offender may appear before this court to show cause why her supervised release term should not be revoked. Thereupon, that she to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 8th day of December 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
UNITED STATES PROBATION OFFICER

s/José A. Figueroa
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 8, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Sonia Torres, Assistant U.S. Attorney, and Joseph C. Laws, jr., Federal Public Defender .

At San Juan, Puerto Rico, December 8, 2005.

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